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Attorney Docket No. R2005-700010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Peter L. Rosenblatt  
Serial No.: 09/539,748  
Filed: March 31, 2000  
Patent No.: 6,981,983  
Issue Date: January 3, 2006  
For: SYSTEM AND METHODS FOR SOFT TISSUE RECONSTRUCTION  
Examiner: Andrea M. Ragonese  
Art Unit: 3743  
Confirmation No.: 9371

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on February 17, 2006.

Christopher R. Rhodes

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith are the following documents in connection with the above-identified patent application:

- [X] Request To Treat 37 C.F.R. 1.48(B) Petition As A Petition Under 37 C.F.R. § 1.324
- [X] Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000. A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762, Ref. No. R2005-700010. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,  
*For Peter L. Rosenblatt, Petitioner*

By:   
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Dated: February 17, 2006



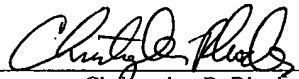
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Christopher R. Rhodes

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO TREAT 37 C.F.R. 1.48(b) PETITION AS  
A PETITION UNDER 37 C.F.R. § 1.324**

Dear Sir:

This Request is being filed in furtherance of a 37 C.F.R. § 1.48(b) petition that was filed in the above-referenced application on December 24, 2003.

Patentee respectfully requests correction of inventorship to remove Dale E. Whipple as an inventor of the subject matter of the above-referenced patent.

Patentee hereby states as follows:

1. In response to a Restriction Requirement mailed on November 25, 2003 in the above-referenced patent application, claim 39 was provisionally elected, for which Dale E. Whipple was not a co-inventor;

2. Patentee filed a proper petition under 37 C.F.R. § 1.48(b) (the "48b petition") to remove Dale E. Whipple as an inventor on December 24, 2003;

3. Patentee inquired about the status of the 48b petition in a response filed on June 25, 2004;

4. Patentee again inquired about the status of the 48b petition in a response filed on December 3, 2004;

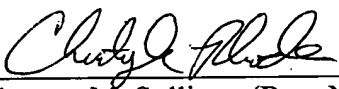
5. In an Office Action mailed on January 26, 2005, Examiner Ragonese acknowledged that the 48b petition had been received and forwarded to the Office of Petitions for decision on the merits; and

6. For reasons unknown to Patentee, the 48b petition was never acted on prior to issuance of U.S. 6,981,983.

In view of the above, Patentee respectfully requests that the Rule 48b petition be treated as a petition under 37 C.F.R. § 1.324 and also respectfully requests that the Patent Office correct the inventorship of U.S. 6,981,983 under 37 C.F.R. § 1.324 to remove Dale Whipple as an inventor. Patentee also respectfully requests that the file be forwarded to the Certificate of Corrections Branch for issuance of a certificate naming only Peter L. Rosenblatt as the actual inventor.

No fee is believed to be required for this Request. Should any fees be required, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50/2762, **Reference R2005-700010**.

Respectfully submitted,  
*For Peter L. Rosenblatt, Petitioner*

By:   
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Christopher R. Rhodes (Reg. No. 47,022)  
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Dated: February 17, 2006